

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROGUE WAVE SOFTWARE, INC., :  
Plaintiff, :  
v. : Case No.: 1:16-cv-07772-VM  
BTI SYSTEMS INC. and JUNIPER NETWORKS, INC., :  
Defendants. :  
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**JOINT MOTION TO STAY LITIGATION**

Plaintiff Rogue Wave Software, Inc. (“RogueWave”), and Defendants BTI Systems Inc. and Juniper Networks, Inc. (together “Defendants”), hereby jointly move this Court to stay this litigation through January 3, 2018. The parties have met and conferred, reached a settlement in principle, and expect to present a dismissal order to this Court no later than January 3, 2018. In support of this joint motion, the parties state as follows:

1. The parties have reached an agreement in principle to settle this matter. The settlement contemplated by the parties, however, is more complicated than typical. The parties will require time to draft and execute a settlement agreement. Because of the holiday season, this may require slightly more time than usual.
2. This matter has various deadlines pending, including this week and next week. In the interim, in an effort to conserve resources for both the Court and the parties, the parties have agreed to cease all efforts in this litigation and to focus their resources on finalizing their settlement. As a result, the parties request that the Court stay this litigation through January 3, 2018 to allow the parties time to formalize their settlement and present a dismissal order.

3. As a result of the agreement in principle, the parties are working in good faith to prepare a formal settlement agreement and draft dismissal orders. The parties expect to complete these matters before January 3, 2018.

4. The Court has broad, inherent authority to stay proceedings to manage “the disposition of causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also, Stone v. Immigration and Naturalization Service*, 514 U.S. 386, 411 (1995) (“[W]e have long recognized that courts have inherent power to stay proceedings.”). In this instance, exercising that discretion will save this Court and the parties’ considerable resources. The parties are not interposing this request for purposes of delay or any other inappropriate reason.

5. Attached to this Motion as **Exhibit 1** is an agreed Proposed Order.

Dated: December 20, 2017

Respectfully submitted,

/s/Terence P. Ross

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